

BOARD OF CERTIFICATION OF OPERATORS OF WASTEWATER TREATMENT FACILITIES

Meeting Minutes: AUGUST 4, 2010

Members in Attendance: Julia Forgue, Frank McLynch, Dr. Gene Park, Bill Patenaude, and Tom White

**Others in Attendance: Traci Pena and Matt Puglia, RIDEM
Robert Atwood, Resource Controls (Tiverton High School)
Carmine Goneconte and Michael Spring, NBC – Fields Point
Janine Burke, Brent Herring and Doug Nettleton, NWPCA**

The meeting was called to order at 9:30 a.m. The first orders of business were the draft June 2nd and 21st, 2010 minutes.

With one minor grammatical change, Mr. Patenaude motioned to approve the June 2 minutes as drafted. Mr. White seconded the motion. With all members present voting in favor, the motion passed. Mr. Park abstained as he was not at the June 2nd meeting

The matter of the June 21st special meeting was tabled as the majority of the members who attended the meeting were not present .

The next item to be discussed was the reclassification of the Tiverton High School, Precision Park and Briarcliffe Package Treatment plants.

The Board had recently received information from the DEM's Office

of Water Resources regarding the level of treatment technologies at those facilities. As a result, it appeared that the facility complexity ranking, as determined by a facility ranking schedule within the Board's regulations, must be increased from a Grade 1 facility to a Grade 2 for each facility. Per the Board's regulations, this increase in the grade of the facility will require the operator in responsible charge of the facility to hold a Grade 2 Operator Certificate. Mr. Robert Atwood from Resource Controls, a contractor for the Tiverton High School facility, requested that any decision be delayed as they are working on a resolution. As Mr. Atwood currently holds a Massachusetts Grade 2 license, he could be eligible for a Rhode Island Grade 2 license if he applied for reciprocity. Mr. Patenaude also stated that Rule 10 also gives the Board the authority to issue a Provisional Certificate for six months. Mr. Patenaude suggested that Resource Controls submit a letter stating their intent along with an application for reciprocity from Mr. Atwood. He also encouraged the current licensed staff at Tiverton High School at the facility to apply for Grade 2 examination.

Next, Mr. Patenaude read a letter from Mr. Kyle Naylor of Briarcliffe Nursing Homes requesting one year to come into compliance.

Mr. Patenaude made motion to respond to Briarcliffe Manor to invoke Rule 10 of the Board's Rules and Regulations and issue a six-month Provisional license. Mr. White seconded the motion. All members present voted in favor, and as such the motion passed.

Mr. Atwood left the meeting with an application for reciprocity in hand.

The next item was an application for reciprocity from John Contrino, seeking certification through reciprocity. Mr. Patenaude confirmed with the Commonwealth of Massachusetts that Mr. Contrino holds a Grade 4-I Massachusetts license which is equivalent to the Rhode Island Grade 1 license.

Mr. Patenaude made a motion to approve Mr. Contrino's application for reciprocity. Mr. McLynch seconded the motion. All members present voted in favor, and as such the motion passed.

The next order of business was an application for Michael L. Spring. A Grade 2 license holder, Mr. Spring was applying to take the Summer 2010 Grade 3 exam. According to the application and information provided at the meeting by the Fields Point Superintendent, Mr. Goneconte, Mr. Spring is a full-time maintenance supervisor with approximately 21 shifts in operations experience since December 2009. Overall, Mr. Spring has about 17 years of experience in the profession, and according to Mr. Goneconte is an exceptional employee with significant management potential. Mr. Patenaude added that Mr. Spring is a graduate of the RI DEM Boot Camp training program. However, Mr. Patenaude noted that in his current position as a full-time maintenance supervisor—which results

from the structure at the Narragansett Bay Commission that puts “a wall between Operations and Maintenance”—the Board could not allow Mr. Spring to sit for the Grade 3 exam. Citing, in part, Rules 6, 8(C)(3) and 8(D), Mr. Patenaude noted that full-time employment in maintenance precludes Mr. Spring to sit for a Grade 3 exam, adding that this has been the historic position of the Board. Mr. Goneconte acknowledged that there is good reason for such protection of Grade 3 licensure, but that operations and maintenance work hand in hand; he noted that the ability to pass the exam should count for something. Mr. Patenaude—noting historical situations where others sought high-level certification without operations experience—stated that the Board must defer to the plain meaning of its regulations. Ms. Forgue stated that Mr. Spring does have some operational experience and she would be inclined to allow him to take the exam, noting that communities/facilities often find it difficult to groom qualified candidates. Mr. Patenaude, while concurring with the positive assessments of Mr. Spring, stated that this operational experience is not nearly extensive enough for consideration and, as such, if the Board were to allow this applicant to take the Grade 3 exam, it would not only violate the regulations, but be a disservice to others who have been denied in a similar situation. Mr. Herring asked the Board to exercise some flexibility in interpreting the Regulations and to consider an arrangement to allow individuals to sit for the exam and issue an OIT for issues such as this. Dr. Park stated that, irrespective of Mr. Spring’s abilities, the Board must follow what is in the Rules and Regulations. Mr. White agreed, although noted that he was

inclined to consider Mr. Goneconte's testimony regarding Mr. Spring's qualifications as a supervisor in lieu of his qualifications in operational experience. Mr. Goneconte stated if the applicant is denied he may go to his superior to possibly talk about restructuring the NBC organization. Mr. Patenaude encouraged Mr. Goneconte to do so, and stated that given the importance of the Regulations' safeguards to protect the integrity of the licenses, the industry should adapt their organizational structures to likewise protect operator licensing and qualifications instead of the Board changing its Regulations.

Mr. Patenaude made a motion to deny Mr. Spring's application for Grade 3 examination due to lack of experience in operations. Dr. Park seconded the motion. Messers. McLynch and Patenaude and Dr. Park approved the motion, whilst Mr. White and Ms. Forgue voted in the negative. With the majority voting in the affirmative, the motion passed.

Messers. Goneconte and Spring thanked the Board for the hearing and then left the meeting.

The next order discussed were the draft Regulations, specifically, mandatory retraining for renewals. Present were representatives from the Narragansett Water Pollution Control Commission. Mr. Patenaude proposed a Training Program Point Classification chart (similar to the Wastewater Treatment Plant Classification – Variable

Point Guide). Mr. Patenaude was hopeful that the draft chart would acknowledge those facilities that were (i) suffering through severe economic hardships, (ii) already providing adequate training, while (iii) prompting training at facilities who are currently not doing anything. Mr. Patenaude reviewed the proposed training certification classification program, which could be used for an entire facility, or for individual positions. The draft notes that (i) a plan must be submitted within six months of Regulation promulgation or 30 days of a revision, that (ii) all operators must be trained within a two year period, that (iii) It would be the responsibility of the individual licensee of keeping track of his/her own training and that (iv) random audits would be performed by the Board. Mr. Patenaude noted that the draft also states that if a licensee leaves the profession and decides to come back the individual must show evidence of training in the interim, or the license will, after a hearing, be demoted to an OIT status. Mr. Herring, the current President of the NWPCA, stated that the Association set up a subcommittee and contacted all superintendents to work with them and the Board to accomplish the objectives of mandatory retraining. He also thought that the Board was getting ahead of the process by dealing with too many specifics when the program has not been established. Mr. Herring noted that the facilities already provide training and, so, this should not be a difficult issue. He suggested that the Board start small and build upon what is being done. He noted that there should be requirements for trainers to submit a syllabus, a biography, hand outs and a sign-in sheet. Ms. Burke, who is on the NWPCA subcommittee for mandatory

retraining, intends to reach out to the superintendents to ascertain their needs and thoughts, noting that there seems to be variations from the large to small facilities that would need analysis. Ms. Burke also stated that NWPCA is willing to help facilities come into compliance with training. Mr. Nettleton stated that while there is some dissension within the wastewater profession, the surveying of the superintendents may help alleviate what concerns they may have.

Mr. Patenaude asked the Association to review the proposed program with its members and invited them to report to the Board at the September meeting.

Mr. Patenaude also asked the Board to review the entire draft of the regulations for discussion at the next meeting.

In new business, Mr. Patenaude stated that there was commentary in August 3rd's Providence Journal from Mr. George Nee that noted as an aside the good work done by Rhode island's wastewater professionals with regard to March's flooding. The commentary specifically noted only the Warwick and Cranston facilities. Mr. Patenaude thought it prudent that a letter to the editor follow up to thank Mr. Nee and to include the professionals at the W. Warwick and Westerly facilities, and note the unified efforts of the entire profession. Messrs. White and McLynch agreed to sign a letter drafted by Mr. Patenaude.

With no further business, Mr. Patenaude motioned to adjourn the meeting. Mr. White seconded the motion. With all members voting in favor, the motion passed.

The next meeting is scheduled for Wednesday, September 1, 2010 at 9:30 a.m. at the RIDEM Office located at 235 Promenade St., Providence, RI.